

*Application No. 09/482,969*

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the interview of December 3, 2002.

It is respectfully submitted that the claim amendments do not raise new issues for consideration by the Examiner or necessitate a further prior art search. Claims 23 (which depends from Claim 1) and 25 (which depends from Claim 15) require that the initial audible signal or first detected signal, as appropriate, is the first signal detected after the call is answered and therefore is the first signal detected during the call. Amended Claims 7 and 17, therefore, restate this requirement. Claim 24 (which depends from Claim 8) requires that the processed signal be the first signal detected after the call is answered and therefore is the first signal detected during the call. Amended Claims 8-10 and 12 simply restate this requirement. Accordingly, it is proper to enter the amendments made by this Amendment After Final.

The Examiner rejects Claims 1-3, 6-7, and 23 under 35 U.S.C. § 102(e) as being anticipated by Goldberg et al. (U.S. 6,226,360); Claims 4, 8, 10-12, 14-18, 20-22, and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over Goldberg et al. in view of Jesurum et al. (U.S. 5,430,792); Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Goldberg et al. in view of Kelly et al. (U.S. 4,941,168); and Claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Goldberg et al. in view of Jesurum and further in view of Kelly et al.

Applicant respectfully traverses the Examiner's rejections. None of Goldberg et al., Jesurum, et al., or Kelly, et al., teach or suggest, individually or collectively, at least the following italicized language in Claims 1, 8, and 15:

1. A method for use in managing outgoing calls in a call center, comprising:

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initiating a call to a first party from the call center via a communication medium; ✓  
monitoring said communication medium for signals received from a location ✓  
associated with said first party after said step of initiating a call;  
detecting an initial audible signal received from the first party location via said  
communication medium;  
initiating processing of said initial audible signal in a call classifier to determine a  
characteristic of said audible signal; and  
playing a prerecorded greeting over said communication medium during said call, <sup>after completing</sup>  
*said prerecorded greeting being played during a time period when said call classifier* <sup>said detecting</sup>  
*is processing said initial audible signal,* <sup>step</sup>

8. A method for use in managing an outgoing call comprising the steps  
of:

placing an outgoing call to a remote party location over a communication network;  
processing an initial signal received from said remote party location during said call  
to determine a source type of said initial signal;  
*playing a prerecorded greeting to said remote party location during said step of*  
*processing, wherein said step of playing a prerecorded message includes detecting*  
*a period of silence after receipt of said initial signal and initiating playback of said*  
*prerecorded greeting in response thereto; and*  
after said prerecorded greeting has ended, establishing a talk path between a local  
agent and the remote party location when it is determined that said initial signal is a  
voice signal that was generated by a live party during the call.

15. A system for use within a call center, comprising:  
a call processing unit operable to place a call to a remote party location via a  
communication network;  
a call classifier unit operable to determine when said call is answered, detect an  
audible signal from the remote party location, and analyze a first detected signal  
received from said remote party location to determine whether said first detected  
signal originated from a live party during the call;  
*a message playback unit operable to play back a prerecorded message to said remote*  
*party location while said call classifier unit is analyzing said first detected signal;*  
and  
a switch unit operable to establish a talk path between a local agent position and said  
remote party location when it is determined by said call classifier unit that said first  
detected signal originated from a live party during the call.

As shown by the above claims, the present invention is directed generally to the playing of  
a message, such as a prerecorded greeting, during processing of the initial or first audible signal

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detected during a call. The playing of the greeting during processing can reduce the frequency of hang ups by callees. The processing step is typically performed by a call classification unit, which determines whether the source of the signal is a live person or an answering machine.

Goldberg et al. is directed to an automated call controller for automatically placing phone calls to a series of selected telephone numbers; monitoring parameters associated with the call (such as the duration of the speech energy in the answering greeting before the first brief silent "pause"); based on the analysis of the monitored parameters, predicting whether the call will be or has been answered by a live person or an answering machine; and, based on the prediction, determining a message start time for playing the pre-recorded message by the call controller. The controller can analyze the monitored real-time parameters of the immediate phone call and the historical data from any previous phone calls made to the intended recipient to further enhance the prediction as to how the immediate call will be answered and continue to analyze the monitored parameters during the entire course of the call (after play of the message) to assess whether the message was effectively delivered.

Unlike the claimed invention, the call controller of Goldberg et al. plays the message not before but *after* the determination is made whether a live person or answering machine answered the call and not during but *after* processing of the initially detected audible signal. This is so because, to the extent that the initially audible signal is analyzed by the controller of Goldberg et al., the signal is analyzed for the purpose of determining *when* to play the message (*which must therefore be played after processing is completed*).

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The Examiner indicates that, because Goldberg et al. teaches that historical parameters may be used in determining when to play a message in a later phone call and because signal processing can occur throughout the call, it is possible that processing of an initially detected audible signal in the second call can occur during the playing of the message. This conclusion is neither explicitly nor implicitly discussed in Goldberg et al., and conflicts with the clear teachings of Goldberg et al. Goldberg et al. states at column 4, lines 40-49, as follows:

*Analysis of both the historical monitored data from the first phone call and the real-time parameters of the second phone call in determining when to play the recorded message in the second phone call is desirable because basing the decision for the second phone call solely on the historical results of the first phone call could result in a second unsuccessful attempt if the actions of the called party change after the first attempt (e.g., the answering machine answered the first phone call but the intended recipient answers the second phone call).*

(Emphasis added). Thus, Goldberg et al. *teaches away* from the factual scenario presented by the Examiner in which the message is played during the processing of an initial audible signal based on monitored parameters from a previous phone call to the same telephone number.

As noted in the previously filed Amendment and Response, Kelly, Jr., and Jesurum et al. further fail to overcome the deficiencies of Goldberg et al.

Accordingly, the pending claims are allowable.

The dependent claims provide further reasons for allowance.

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

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Respectfully submitted,

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Date: Dec. 4, 2002

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 7-10, 12, and 17 have been amended as follows:

7. (Amended) The method claimed in claim 1, wherein:  
said step of initiating a call includes dialing a telephone number associated with said first party and said initial audible signal is received from the location associated with the first party during said call.

8. (Twice Amended) A method for use in managing an outgoing call comprising the steps of:  
placing an outgoing call to a remote party location over a communication network;  
processing an initial signal received from said remote party location during said call to  
5 determine a source type of said initial signal;  
playing a prerecorded greeting to said remote party location during said step of processing, wherein said step of playing a prerecorded message includes detecting a period of silence after receipt of said initial signal and initiating playback of said prerecorded greeting in response thereto; and  
10 after said prerecorded greeting has ended, establishing a talk path between a local agent and the remote party location when it is determined that said initial signal is a voice signal that was generated by a live party during the call.

9. (Amended) The method claimed in claim 8, further comprising the step of:  
terminating the call when it is determined that said initial signal was not generated by a live party during the call.

10. (Amended) The method claimed in claim 8, wherein:  
said step of placing an outgoing call includes dialing a telephone number associated with a remote party and said initial signal processed in the processing step is the initial audible signal received during said call.

12. (Amended) The method claimed in claim 8, wherein:  
said step of processing a signal includes using a call classifier to determine whether the initial signal was generated by a live party during the call.

17. (Amended) The system claimed in claim 15, wherein:  
said external communication network includes a public switched telephone network and said first detected signal is received during said call.